

FILED

UNITED STATES COURT OF APPEALS

SEP 02 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SHAWNA COX,

Defendant-Appellant.

No. 16-30193

D.C. No. 3:16-cr-00051-BR-7

District of Oregon,

Portland

ORDER

Before: WARDLAW and CALLAHAN, Circuit Judges.

Appellant's emergency motion for a stay (Docket Entry No. 2) is denied.

See Hilton v. Braunskill, 481 U.S. 770, 776 (1987).

Further, a review of the record suggests that this court may lack jurisdiction over the appeal because the district court's August 15, 2016 order does not appear to be appealable as a final judgment or an order that comes within the collateral order doctrine. *See* 28 U.S.C. § 1291; *Midland Asphalt Corp. v. United States*, 489 U.S. 794, 798 (1989) (stating that finality requirement generally "prohibits appellate review until after conviction and imposition of sentence").

Within 21 days after the date of this order, appellant shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for

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lack of jurisdiction. *See* 9th Cir. R. 27-9.1 (motion for voluntary dismissal must be accompanied by appellant's written consent or counsel's explanation of why appellant's consent was not obtained). If appellant elects to show cause, a response may be filed within 10 days after service of the memorandum.

If appellant does not comply with this order, the appeal may be dismissed without further notice to appellant. *See* 9th Cir. R. 42-1.

Briefing is suspended pending further order of the court.